



Department of Justice

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FOR IMMEDIATE RELEASE
FRIDAY, OCTOBER 24, 2008
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DAYTON MAN PLEADS GUILTY IN PHONY PRICE CODE LABELING SCAM

DAYTON – Tommy Joe Tidwell, age 35 of Dayton, pleaded guilty in United States District Court here today to leading a conspiracy that manufactured and placed fraudulent Universal Price Code (UPC) labels on more than \$1 million in merchandise at large retail stores in order to buy the items at greatly reduced prices then sell them for profit.

Gregory G. Lockhart, United States Attorney for the Southern District of Ohio; Keith L. Bennett, Special Agent in Charge, Federal Bureau of Investigation, Cincinnati Field Division, and Huber Heights Police Chief James Borland announced the plea entered today before U.S. District Judge Thomas M. Rose.

In a statement of facts filed with Tidwell's plea, he admitted that, over the course of one year, he and others conspired to steal more than \$1 million in merchandise from large retailers and sell the items through eBay. The targeted merchandise included high-end vacuum cleaners, electric welders, power winches, personal computers, and electric generators.

Tidwell created fraudulent UPC labels on his home personal computer. Conspirators entered various stores in Ohio, Illinois, Indiana, Pennsylvania and Texas and placed the fraudulent labels on merchandise they targeted, and then bought the items from the store. The fraudulent UPC labels attached to the merchandise would cause the item to be rung up for a price far below its actual retail value.

FBI agents and Huber Heights Police officers seized computers and stolen merchandise bearing the fraudulent labels when they executed a search warrant at Tidwell's house and arrested him on June 17. Tidwell has been in custody since his arrest. A federal grand jury indicted Tidwell and three others in July 2008.

Tidwell pleaded guilty to one count of conspiracy to use unauthorized access devices, punishable by up to five years imprisonment; one count of use of unauthorized access devices, punishable by up to 15 years imprisonment, and one count of mail and wire fraud, punishable by up to 20 years imprisonment.

Judge Rose scheduled a sentencing hearing for Tidwell on January 23, 2009.

David J. Lombardo, age 44, who was indicted along with Tidwell, pleaded guilty on September 19, 2008 to one count of conspiracy to use unauthorized access devices and one count of use of unauthorized access devices. Charges are pending against David A. Detrick, age 30, and Telisha Davis, age 28, who were named in the indictment with Tidwell.

Lockhart commended the joint investigation by FBI agents and Huber Heights police officers, and Assistant U.S. Attorney Dwight Keller, who prosecuted the case.

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